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Inventors: **Bennett and Wyatt**
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REMARKS

Claims 1, 2, 4-10 and 12-15 are pending in the instant application. Claims 1, 2, 4-10 and 12-15 have been rejected. Claim 1 has been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claims Under 35 U.S.C. 103(a)

Claims 1, 2, 4-10 and 12-15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weidmer et al., in view of Baracchini et al. (US Patent 5,801,154). The Examiner suggests that it would have been *prima facie* obvious to one of ordinary skill to use the cDNA sequence and the general idea of antisense as suggested by Weidmer et al. to generate specific antisense sequences for inhibition of phospholipid scramblase 1 expression and then incorporate the claimed modifications as taught by Baracchini et al. The Examiner also suggests that it would have been obvious to target the 5'-untranslated region, the coding region or the 3'-untranslated region as taught by Baracchini et al. The Examiner suggests that one of skill would have motivated by Weidmer et al. in teaching that the cDNA sequence can be used to

create antisense sequences and that inhibition of thrombosis, clot formation or cell clearance could result, while Baracchini et al. teach that modification of antisense is desired. The Examiner suggests that an expectation of success is provided by the fact that Weidmer teaches that formation of antisense compounds from a cDNA sequence is routine. Applicants respectfully traverse this rejection.

At the outset, claim 1 and its dependent claims have been amended to recite antisense compounds targeted to specific nucleobase regions of human phospholipid scramblase 1 of SEQ ID NO. 3. Support for this amendment can be found at pages 82-85 of the specification as filed.

Weidmer et al. (US Patent 6,204,035) disclose the sequence of human phospholipid scramblase 1 and PCR primers for this gene. The two primers were targeted to the start codon region and the stop codon region of human phospholipid scramblase 1. Nowhere does this paper teach or suggest antisense compounds as now claimed that are targeted to the specific nucleobase regions of the human phospholipid scramblase 1 of SEQ ID NO: 3 as recited in amended claim 1. Therefore, this primary reference fails to teach the

limitations of the claims, either alone or when combined with other references cited.

The secondary reference cited fails to overcome the deficiencies in teaching of the primary reference.

Baracchini et al. (US Patent 5,801,154) teach methods of modifying antisense oligonucleotides targeted to MDR to enhance activity. However, nowhere does this patent teach or suggest antisense oligonucleotides 8 to 50 nucleobases in length targeted to human phospholipid scramblase 1 of SEQ ID NO: 3, or any region of such a nucleic acid molecule.

To establish a *prima facie* case of obviousness, three basic criteria must be met. MPEP 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art must teach or suggest all claim limitations. Clearly, the combination of prior art cited fails to teach or suggest the limitations of the claims as amended, which claim antisense compounds targeted to specific nucleobase regions of human phospholipid scramblase 1 of SEQ ID NO. 3, and thus cannot

render the instant claimed invention obvious. It is only with the specification in hand that one of skill would understand that antisense targeted to the claimed regions could be used to successfully inhibit gene expression. Further, the reference of Weidmer et al. does not teach use of any specific antisense compound to inhibit expression of the human phospholipid scramblase 1 gene, and thus fails to provide one of skill with a reasonable expectation of success as asserted by the Examiner. Withdrawal of this rejection is therefore respectfully requested.

II. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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